

EASTERN DISTRICT OF TEXAS

§

Defendants.

This case is referred to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters. The court has received and considered the report of the magistrate judge (Doc. No. 48), which recommends granting Defendants American Advisors Group, Celinek Mortgage Servicers, Community National Bank, KS, Deutsche Bank, Finance of America Reverse Mortgage LLC, Finance of America Structured, Mackie Wolf Zientz & Mann PC, Securities Acquisition Trust 2018-HB, and Daniel Van Slyke's (cumulatively "the Defendants") converted motion for

summary judgment (Doc. No. 32). Accordingly, the magistrate judge recommends denying *pro se* Plaintiff Phyllis Burris' ("Burris") remaining motions (Doc. No. 23, 24, 25, 26, 27, 40, 43, 45) as moot. On March 23, 2020, Burris filed a "Motion for Writ of Mandate that Probate Exception be Applied to Federal Jurisdiction, Motion for Probate Final Summary Judgment be Impliedly Overruled, Motion of Tortious Interference by Defendants' of Plaintiffs' Right to Inheritance, and Motion for Demand for a Jury Trial," which the court liberally construes as timely objections to the report and recommendation. Doc. No. 49. On March 24, 2020, the Defendants filed a response to Burris' construed objections. Doc. No. 50.

A party who files timely, written objections to a magistrate judge's report and recommendation is entitled to a *de novo* determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b)(2)–(3). "Parties filing objections must specifically identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court." *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

In her objections, Burris discusses the probate exception to federal jurisdiction and restates arguments from her original and amended complaints. Doc. No. 49. However, Burris fails to address the magistrate judge's finding that Burris' claims are barred by *res judicata*. Doc. No. 48, p. 5-7. After considering Burris' objections, the court finds they are without merit and that Judge Hawthorn's findings and conclusions are correct.

It is, therefore, **ORDERED** that the magistrate judge's "Report and Recommendation" (Doc. No. 48) is **ADOPTED**, that the Defendants' converted motion for summary judgment (Doc.

No. 32) is **GRANTED**, and that Burris' remaining motions (Doc. Nos. 23, 24, 25, 26, 27, 40, 43, 45, 49) are **DENIED AS MOOT**.

A Final Judgment will be entered separately.

SIGNED at Beaumont, Texas, this 27th day of March, 2020.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE